Massachusetts Department of Environmental Protection
Environmental Results Program
2004 Compliance Certification Instructions
for Photo Processors

1.   What is the ERP Compliance Certification?

Commercial photo processors are required to certify to the Department of Environmental Protection (DEP) that they are complying with the environmental protection requirements that apply to their business on or before **September 15, 2004**. This package contains the material you need to complete and submit the *ERP Certification*. The *Certification* and the accompanying guidance material have been designed to enable you to fill out the *ERP Certification* by yourself.

DEP strongly advises you to review this material well in advance of the September 15, 2004 deadline. While many facilities have all of the equipment they need to comply with environmental standards and are operating in compliance with the requirements, *some businesses may need to take additional steps to comply.*

The certification package has four parts:

- **ERP Non-Applicability Statement:** Fill out this form FIRST to determine whether or not you have to submit an *ERP Certification*. Certain photo processors are not required to certify, depending on how they operate. Submit the *ERP Non-Applicability Statement* ONLY IF you are not required to certify.

- **Annual ERP Compliance Certification:** This form has three sections: *Facility Information* that identifies the facility and a contact person, *Compliance Questions,* which are a series of mostly "yes" or "no" questions about whether or not your facility is following the applicable environmental requirements, and a *Certification Statement* to be signed by the facility owner or certain other specified senior managers.

- **Additional Compliance Certification Forms:** Complete the *Return to Compliance Plan* if your facility is NOT in compliance with a particular requirement at the time you certify. Complete the *Spill or Release Report Summary* ONLY if your plant had a reportable chemical spill or pollution release during the past year.

- **Photo Processor Environmental Certification Workbook:** *Please note that you may have received a compliance workbook from previous certification packages. If you need another copy, please download one from http://www.mass.gov/dep/erp/erpforms.htm or contact Sanh Tran at (617) 556-1036.* The workbook explains the environmental protection standards that apply to your facility, and how to make sure you are following them. You should retain the workbook as a reference.

2.   Do I have to certify?

While the program applies to almost all-commercial photo processors, certain conditions may exempt your business from the requirement to submit an annual *ERP Compliance Certification*. Fill out the **ERP Non- Applicability Statement** first to determine whether or not you must submit an *ERP Compliance Certification*. If you have checked anything on the statement that exempts

you from the ERP program, please submit the completed *Non-Applicability Statement* to DEP on or before September 15, 2004. Consult the workbook if you have any questions about terms on the *Non-Applicability Statement.*

3.   *How do I submit an ERP Compliance Certification?*

If ERP does apply to your facility, you are required to complete an *Annual ERP Compliance Certification* either electronically or by mailing it to DEP. The completed package is due at the following address on or before **September 15, 2004:**

> MA DEP - ERP-PP
> P.O. Box 120-165
> Boston, MA   02112-0165

4.   *How do I fill out the ERP Compliance Certification?*

1. Read the workbook, to understand the environmental protection requirements that apply to your facility.

2. Answer all of the questions on the attached forms. The forms list places in the workbook where you can find the information you need to answer the question. Refer to *Section 8.* below*, Step by Step Instructions for Filling Out the ERP Compliance Certification* (page 3).

3. When you have answered all of the questions, sign the *Certification Statement*.

4. Fill out the *Completeness Checklist* at the end of these instructions to make sure you have included all of the required forms.

5. Make a copy of the complete package for your records.

6. Submit the certification to DEP

5.   *What does the ERP Compliance Certification cover?*

The *ERP Compliance Certification* covers DEP's industrial wastewater management, and hazardous waste management requirements for photo processing operations. The workbook explains these standards, and provides tips on how to comply.

6.   *What is not currently covered by the ERP Compliance Certification?*

Some facilities may be subject to additional state, federal or local environmental standards that are not covered by the *ERP Compliance Certification*. You still must comply with these requirements, even though they are not included on the *Certification*. Additional state requirements that may apply to your facility include air pollution control, industrial wastewater, or hazardous waste management requirements for industrial activities other than photo processing or other regulatory programs including: reporting and planning under the Toxics Use Reduction Act[1], groundwater withdrawal permits[2]; wetlands and waterways protection requirements[3], and

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[1] You may be subject to the Toxics Use Reduction Act if you use more than 10,000 pounds per year of a toxic chemical listed on the Federal CERCLA or EPCRA chemical lists. Chemical MSDSs state whether a chemical is on one of these lists.
[2] You may be subject to groundwater withdrawal regulations if you take your process water from an onsite, private well.

hazardous waste site clean up requirements[4]. If you think any of these programs might apply to your business, you can get more information on applicability and compliance requirements from DEP at (617) 292-5500.

7.   *What is my Annual Compliance Assurance Fee?*

Payment of your Annual Compliance Assurance Fee is required to maintain a valid certification and covers part of the costs associated with DEP's monitoring, compliance and enforcement activities. The fees associated with the *ERP photo processors* replace all existing state industrial wastewater and hazardous waste management compliance and enforcement fees that presently apply to your photo processing operation. It is important to note that total fees are being reduced for facilities subject to ERP. Industrial wastewater sewer connection and hazardous waste recycling permits and industrial wastewater holding tank and industrial wastewater treatment plan approvals have been eliminated for industrial processes covered by ERP. This means that businesses will no longer have to pay the $240 - $420 application fees for obtaining and renewing these permits and plans approvals.

NOTE: Do NOT include a check with your Certification. You will be billed for your Annual Compliance Assurance Fee around the beginning of each calendar year.

The new compliance fees for photo processors are:

for photoprocessors permitted by the Massachusetts Water Resource Authority	$50
all other photo processors	$175

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[3] You may be subject to wetlands and waterways regulations if you are doing construction in or near a wetland or in a tideland, or if you have a Tidelands License under Chapter 91.

[4] You may be subject to hazardous waste site clean up requirements if there has been a spill or release of a hazardous waste or chemical on your property, or if you are undertaking a remedial action to clean up hazardous wastes.

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8. Step by step instructions for filling out the ERP Compliance Certification

SECTION A: Facility Information

This section lists the name and address of your business, the individual DEP should contact if there are questions about your *Certification*, your Federal Employer Identification number (FEIN) from your state and Federal income tax forms, and a Facility Identification Number (Facility ID) that DEP has assigned to your facility. If your form has a preprinted label, please make any necessary corrections to the facility name or address on the label. Then add your FEIN, the business's phone number, business email address, and name and business phone number for the contact person in the space provided.

SECTION B: Compliance Questions

These questions provide DEP with some background information about your facility and information about whether or not your facility is following the environmental protection standards and requirements that apply to it. The workbook contains the information you will need to determine how to answer the questions. The form tells you where in the workbook you can find information about the environmental requirements referred to in each question. *DEP strongly advises you to consult the workbook before answering any questions.* Most of the questions are "yes" or "no" questions about compliance with particular requirements or standards.

If you are NOT in compliance with the requirement on the date you certify, you must complete a *Return to Compliance Plan* and submit it with the *ERP Compliance Certification*.

- Please note that it is your responsibility to keep your facility in compliance with environmental protection requirements at all times. You may be subject to enforcement action if you do not comply with the standards. You should be able to come into compliance with all of the standards by the time you complete the *Certification*. *Return to Compliance Plans* are needed only when those problems that you were unable to correct prior to certifying (for example, if your required pollution control equipment is malfunctioning and you do not have the parts on hand to fix it at the time you certify, or if pollution control equipment you planned to install was not delivered on schedule).

SECTION C: Certification Statement

The *Certification Statement* is a preprinted statement, which says that the person signing the form:

- has reviewed it,
- believes the information being submitted is true,
- will make sure that management systems are in place that will keep the facility in compliance with environmental protection requirements throughout the coming year, and

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- understands that there may be serious consequences for submitting false information to DEP.

The statement may only be legally signed by the facility owner or certain other types of senior managers. The types of managers that are allowed to sign the statement are listed below the space for the signature. The person who signs the form must also print or type his or her name and title on the appropriate lines, date the form, and check the space next to the type of manager he or she is. Note that you must hold one of the titles listed on the form to legally sign it.

Return to Compliance Plan

If your facility is unable to comply with a standard at the time you certify, fill out this form. The form asks for the standard you are violating, what you plan on doing to comply, and when you will be in compliance with the requirement. A separate form is required each time your answer to a question on the *Certification* required a *Return to Compliance Plan*. In the unlikely event you need more than one form, make the necessary number of copies, and attach them to your *ERP Compliance Certification*.

Spill or Release Report Summary

This form asks when the spill or release happened, what was spilled or released, and when you notified DEP. Complete this form only if you had a chemical spill or pollution discharge that tripped the reporting threshold. If you need more than one form, make the necessary number of copies and attach them to your *ERP Compliance Certification*.

Completeness Checklist

Complete the checklist below to help make sure that you have included all of the necessary information when you submit the *ERP Compliance Certification* to DEP.

❑ Are all *Compliance Questions* answered (except those you were directed to skip)?

❑ Did you consult the workbook when you were unsure of an answer?

❑ Are all required *Return to Compliance Plans* completed and attached?

❑ Are all required *Spills or Release Report Summaries* completed and attached?

❑ Has the *Certification Statement* been read, understood and signed by an appropriate person?

❑ Have you made a copy of the complete *ERP Compliance Certification* for your records?